

HOUSE BILL 666

By Hill M

AN ACT to amend Tennessee Code Annotated, Title 50,
Chapter 6, relative to workers' compensation.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 50-6-124, is amended by adding the following new subsection:

(j) With the exception of the services referred to in subsection (f), the system of utilization review established by the administrator shall be available only to evaluate the necessity, appropriateness, efficiency, and quality of medical care services that meet or exceed a cost threshold of one thousand five hundred dollars (\$1,500) as listed on the comprehensive medical fee schedule pursuant to § 50-6-204(i).

SECTION 2. Tennessee Code Annotated, Section 50-6-203, is amended by adding the following new subdivision to subsection (b):

(3) The employee has the right to file a petition for benefit determination to toll the statute of limitations at any time after the occurrence of an injury but before the expiration of the period for which benefits are sought under this chapter.

SECTION 3. Tennessee Code Annotated, Section 50-6-204, is amended by deleting subdivision (a)(3)(A) and substituting instead the following:

(3)

(A)

(i) The injured employee shall accept the medical benefits afforded under this section; provided that in any case when the employee has suffered an injury and expressed a need for medical care, the employer shall designate a group of three (3) or more independent

reputable physicians, surgeons, or chiropractors or specialty practice groups not associated in practice together if available in the injured employee's community or, if not so available, in accordance with subdivision (a)(3)(B), from which the injured employee shall select one (1) to be the treating physician.

(ii) When necessary, the treating physician selected in accordance with this subdivision (a)(3)(A) shall make referrals to a specialist physician, surgeon, or chiropractor and immediately notify the employer. The referral is deemed final unless, within five (5) business days, either the employee or employer rejects the referral. If the referral is rejected, the employer must provide the employee a panel of three (3) or more independent reputable physicians, surgeons, chiropractors, or specialty practice groups within five (5) business days. In this case, the employee may choose a specialist physician, surgeon, chiropractor, or specialty practice group to provide treatment only from the panel provided by the employer.

(iii) The liability of the employer for the services provided to the employee shall be limited to the maximum allowable fees that are established in the applicable medical fee schedule adopted pursuant to this section.

(iv) The bureau shall have authority to waive subdivision (a)(3)(A)(iii) when necessary to provide treatment for an injured employee.

SECTION 4. Tennessee Code Annotated, Section 50-6-204, is amended by deleting subdivision (a)(3)(B) and substituting instead the following:

(B) If three (3) or more independent reputable physicians, surgeons, chiropractors, or specialty practice groups not associated in practice together are not available in the employee's community, the employer shall provide a list of three (3)

independent reputable physicians, surgeons, or chiropractors not associated in practice together, within a one hundred (100) mile radius of the employee's county of residence.

SECTION 5. Tennessee Code Annotated, Section 50-6-204, is amended by deleting the language "not exceeding seven thousand five hundred dollars (\$7,500)" from subsection (c) and substituting instead the language "not exceeding ten thousand dollars (\$10,000)".

SECTION 6. Tennessee Code Annotated, Section 50-6-207, is amended by deleting the language "has not returned to work with any employer" from subdivision (3)(B) and substituting instead the language "has not returned to work with the pre-injury employer".

SECTION 7. This act shall take effect upon becoming a law, the public welfare requiring it, and shall apply to injuries occurring on or after the effective date of this act.